S.B.Cr.Misc. III Bail App. No. 1823/2006

Date of order : 03/05/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. Suresh Kumbhat for the petitioner.

Mr. J.P.S.Choudhary, Public Prosecutor.

While rejecting the earlier bail application, the petitioner was granted liberty to file fresh bail application after the statements of Rahuram and Heeraram are recorded by the trial court. Learned counsel for the petitioner submits that now the trial court has recorded the statements of PW-7 Heeraram and PW-9 Rahuram.

I have heard learned counsel for the parties. Perused the statements of eye witnesses PW-7 Heeraram and PW-9 Rahuram as also the challan papers and FSL report. I have also gone through the statements of PW-1 Dr. Azmal Hussain and PW-2 Dr. A.K.Dube.

It is contended by the learned counsel for the petitioner that in the FSL report on chemical examinaton of viscera and blood sample, it was found that the articles sent to FSL gave positive tests for the presence of Ethyl alcohol and organophosphorous insecticide. The prosecution case no where discloses that any Ethyl alcohol was administered by the petitioner. According to learned counsel, from the prosecution evidence, it cannot be said that the cause of death was organophosphorous insecticide, it may be because of excessive concumption of Ethyl alcohol.

Looking to the facts and circumstances of the case and the fact that the prosecution evidence is silent so far as Ethyl alcohol found in the viscera, having considered the oral arguments advanced by both the parties, without commenting on the merit of the case, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this third bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Smt. Kanu W/o Chutra Ram be released on bail in CR No. 11/05 P.S. Baitu, provided she executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for her appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP